

**FILED**

**NOV 22 2006**

**RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

1 KEVIN V. RYAN (CSBN 118321)  
United States Attorney

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3 Chief, Criminal Division

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8 Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA, )

13 Plaintiff, )

14 v. )

15 )  
16 CARLOS NUNEZ PEREZ, )

17 Defendant. )  
18

Criminal No. CR 3-06-70738 EMC

**STIPULATION AND ~~[PROPOSED]~~  
ORDER EXCLUDING TIME**

19 The above-captioned matter came before the Court on November 21, 2006, for  
20 detention hearing in United States Magistrate Court. The defendant was represented by  
21 Steven Kalar, Federal Public Defender, and the government was represented by Philip  
22 Kearney, Assistant United States Attorney. The case was continued for preliminary  
23 hearing to December 13, 2006, at 9:30 a.m. The Court made a finding on the record that  
24 the time between November 21, 2006, and December 13, 2006, should be excluded under  
25 both the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A), and Rule 5, because the ends of  
26 justice served by taking such action outweighed the best interest of the public and the  
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28 **STIPULATION AND [PROPOSED]  
ORDER EXCLUDING TIME  
CR 3-06-70738 EMC**

1 defendant in a speedy trial. That finding was based on the defendant's request to join  
2 with his alleged co-perpetrators, and to insure the effective preparation of counsel.  
3 Counsel for the defendant indicated a need for additional time to adequately prepare the  
4 matter, taking into account the exercise of due diligence. That finding was made pursuant  
5 to 18 U.S.C. § 3161(h)(8)(B)(iv).

6 The parties hereby agree to and request that the case be continued until December  
7 13, 2006 at 9:30 a.m., and that an exclusion of time until that date be granted. The parties  
8 agree and stipulate that the additional time is appropriate and necessary under Title 18,  
9 United States Code, Section 3161(h)(8)(A), because the ends of justice served by this  
10 continuance outweigh the best interest of the public and the defendant in a speedy trial.

11  
12 DATED: 11/21/06

13 /S/  
14 STEVEN KALAR, ESQ.  
Counsel for DEFENDANT

15 DATED: 11/21/06

16 /S/  
17 PHILIP J. KEARNEY  
Assistant United States Attorney

18 It is so ordered.

19 DATED: 11/22/06

20 EDWARD M. CHEN  
21 UNITED STATES MAGISTRATE  
22  
23  
24  
25  
26  
27  
28

STIPULATION AND [PROPOSED]  
ORDER EXCLUDING TIME  
CR 3-06-70738 EMC